

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERELL MARSHON JACKSON,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C14-5025 BHS

ORDER DENYING MOTION TO
APPOINT COUNSEL AND
ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 37), Petitioner Jerell Marshon Jackson’s (“Jackson”) objections to the R&R (Dkt. 39), and Jackson’s motion to appoint counsel (Dkt. 38).

On May 14, 2014, Judge Creatura issued the R&R recommending that the Court deny Jackson’s petition because Jackson failed to show a right to relief on a self-representation claim when Jackson voluntarily withdrew his request to represent himself. Dkt. 37. On May 19, 2014, Jackson filed a motion to appoint counsel. Dkt. 38. On May 28, 2014, Jackson filed objections to the R&R arguing that his constitutional right to self representation was violated. Dkt. 39. Jackson, however, fails to address the key fact in

1 his case, which is that he told the Superior Court judge, “I don’t wish to go pro se, but I
2 would like another lawyer.” Ultimately, he was provided a different lawyer and he never
3 again asked to represent himself, and thus was never denied such a request. s request to
4 represent himself. Therefore, the objections are without merit and the motion to appoint
5 is moot.

6 The Court having considered the R&R, Jackson’s objections, and the remaining
7 record, does hereby find and order as follows:

- 8 (1) The R&R is **ADOPTED**;
- 9 (2) Jackson’s petition is **DENIED**;
- 10 (3) The motion to appoint is **DENIED as moot**;
- 11 (4) The Court declines to issue a certification of appealability; and
- 12 (5) The Clerk shall close this matter.

13 Dated this 24th day of June, 2014.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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